

ROBERT LOVINGS, GARY LOVINGS,  
BARBARA JEAN LOVINGS HORTON,  
and CARROL LOVINGS HUTCHISON,

V.

Defendants.

## ORDER

Defendants argue in their respective motions that there is no case or controversy between Plaintiffs and Defendants because the Defendants are no longer parties to the contracts at issue in this suit. Accordingly, Defendants assert, this Court lacks jurisdiction over Plaintiffs’ claims against them. *See Okpalobi v. Foster*, 244 F.3d 405, 425 (5th Cir. 2001) (“Under Article III of the Constitution, the federal courts have jurisdiction over a claim between a plaintiff and a defendant only if it presents ‘a case or controversy.’”).<sup>1</sup> In their response, Plaintiffs acknowledge that Defendants are no

<sup>1</sup> Because Defendant Nationwide Equities Corporation’s motion for summary judgment challenges the Court’s jurisdiction, the Court will construe it as a motion to dismiss. *See Stanley v. Central Intelligence Agency*, 639 F.2d 1146, 1157 (5th Cir. Unit B Mar. 1981) (“Since the granting of summary

longer proper parties to this action and indicate that they support dismissal of Defendants. (Pls.' Mem., Dkt. 16). Since the Defendants' motions are thus unopposed, and the Court agrees that there is no present case or controversy between Plaintiffs and Defendants, the Court will **GRANT** Defendants' motions. (Dkts. 11, 12).

**IT IS THEREFORE ORDERED** that Defendants Nationwide Equities Corporation and Mortgage Electronic Registration Systems, Inc. are hereby **DISMISSED** from this action.

**SIGNED** on May 11, 2017.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE

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judgment is a disposition on the merits of the case, a motion for summary judgment is not the appropriate procedure for raising the defense of lack of subject matter jurisdiction.”).